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August 27, 2025

Via ACMS

Molly C. Dwyer
Clerk of Court
The James R. Browning Courthouse
95 7th Street,
San Francisco, CA 94103

Re: *Thakur, et al. v. Trump, et al.*, No. 25-4249
Plaintiffs-Appellees' Response to National Science Foundation's 28(j)
Letter

Dear Ms. Dwyer:

Pursuant to the Court's August 21, 2025 Order (Dkt. 39.1), Plaintiffs-Appellees ("Plaintiffs") file this letter responding to Defendants-Appellants' ("Defendants") request that the National Science Foundation ("NSF") be permitted to join the arguments made in Defendants' Partial Motion to Stay ("Motion").

Plaintiffs do not understand the basis for NSF's request to join the Motion at this stage, long after it was filed by Defendants National Endowment for the Humanities ("NEH") and Environmental Protection Agency ("EPA"), and three weeks after it was argued to the Court. NSF offers no explanation for its actions. Nor does NSF explain why it should be allowed to join the Motion at this point in time.

Indeed, in response to the Court's question on this issue at oral argument on July 31, 2025, Defendants' counsel stated that NSF had made a deliberate decision not to join the Motion. Counsel did not mention that NSF, in a letter dated July 30, 2025, would be "suspending" grants to UCLA researchers, despite the District Court's preliminary injunction order ("Order"), the very next day, on August 1. On August 12, 2025, after a hearing, the District Court found that NSF's purported suspensions had violated the Order.



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Now, NSF wishes to join a Motion which has already been decided. A core aspect of that Motion is the contention that the government suffers irreparable injury absent the stay. But NSF's actions, in deciding not to seek a stay, and in telling the Court that it did not want to cut off grants it had restarted, belie any claim of irreparable harm to NSF.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donald E. Sobelman".

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cc: All Counsel of Record (Via ACMS)

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